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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 July 1998]

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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

1. The International Federation of Human Rights (FIDH) and the Vietnam Committee on Human Rights are concerned that sustainable development and democracy are jeopardized in many regions of the world by the non-compliance of certain States in the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Indeed, States parties to the ICESCR not only have a responsibility to respect basic economic rights, but also to protect them by guaranteeing the free exercise of civil and political rights: "the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights" (ICESCR, Preamble).

2. In the Socialist Republic of Viet Nam, which acceded to the ICESCR and the International Covenant on Civil and Political Rights (ICCPR) in 1982, basic economic rights are guaranteed by the 1992 Constitution. However, recent explosions of social unrest, particularly in the rural areas, indicate that serious violations of economic and social rights, exacerbated by the absence of domestic legal safeguards and the suppression of political rights, continue on a wide scale.

3. In Thai Binh (north) and Dong Nai (south) provinces, tens of thousands of peasants demonstrated throughout 1997 against State abuse of land-use rights, official corruption, unfair taxation and compulsory labour contributions. Although the authorities recognized the peasants' legitimate grievances and promised to take remedial measures, hundreds of peasants, including women and children, were reportedly arrested in Dong Nai, and Security Police crushed the protests in Thai Binh with electric truncheons, tear-gas grenades and water cannons, arresting over 100 people. From 2-7 July 1998, Thai Binh Provincial People's Court sentenced 40 people to harsh prison terms of up to 11½ years in prison on charges of "taking advantage of the anti-corruption struggle and abusing democratic rights to incite public disorder".

4. These sentences are not only excessively heavy for public disorder offences, but they are totally arbitrary, pronounced in disregard of the findings of a top-level inquiry mission commissioned by the Prime Minister's special "Research Commission on Renovation" and led by the Director of the Hanoi Institute of Social Sciences, Mr. Tuong Lai. The confidential inquiry report, entitled "Sociological Investigation of the Events in Thai Binh from late June to early July 1997" (8 August 1997), a copy of which was obtained by the Vietnam Committee on Human Rights, describes extensive violations of economic and political rights in Thai Binh Province, and strongly blames discriminatory government policies and local Party officials for this eruption of social unrest.

5. The two principal grievances identified in the report are the prohibitive taxes imposed on peasants to finance overambitious government infrastructure projects, and the misappropriation of public funds for the personal enrichment of Party officials and their families. Under Viet Nam's highly [illegible] political system, all development projects are decided by central Government, but the brunt of financing must be provided by local

authorities, whose revenues "are almost entirely raised by contributions from peasants and the collectivity". In Thai Binh, the Government's drive to develop "Electricity - Roads - Schools - Health Centres" "was pushed through far too quickly over the past five years. As a result, local taxation has rocketed at an unprecedented rate. (...) We should reconsider whether these social development projects are really bringing new impetus to the rural areas of Thai Binh, or are they an excessively heavy burden for the peasants, who earn barely 1 million dongs (approximately US$ 76) per year".

6. The Government-ordered building of schools and health centres was boosted all over the province, even though many villages had no money to pay teachers or hire medical personnel. The report states that in order to pay for these projects, "almost all the communes in Thai Binh had to borrow money from the banks", thus increasing the overall debt by an estimated 40 per cent. "The crushing burden of debt repayment falls entirely on the peasants".

7. Punitive taxation is depriving peasants of their basic living standards and forcing them into increased poverty. The inquiry report estimates that a typical peasant family in Thai Binh has an annual per capita revenue of only US$ 62.50. Out of this sum, peasants must pay numerous locally-imposed "contributions", either in money or in kind. In Tay Phuong village, Tien Hai district, "every harvest, farmers owning buffaloes must pay a 'road tax' of 40 kilos of rice per buffalo. (...) a 'grass-replacement tax' is levied on flocks of more than 30 ducks etc. ...". Communist Party organ Nhan Dan reported on 8 September 1997 that Thai Binh peasants face up to 30 kinds of local "contributions" on top of national taxation. Other provinces share the same fate. According to Oxfam (1996), peasants in Ha Tinh Province pay up to 14 national taxes and local "contributions" including national defence and public security funds.

8. Moreover, these unfair contributions are often collected in a brutal and ruthless manner, leaving the peasants completely empty-handed. This is a "flagrant violation of democratic rights" states the inquiry report; "Indeed it is astonishing that peasants have endured such undemocratic treatment for so long".

9. In a section entitled: "Exploitation, extortion of the people's resources and rampant corruption", the report strongly criticizes endemic "lack of transparency and democracy" in the appropriation of tax revenues. For example, a sewerage pipe installed by the authorities in Quynh Hong village cost 21 million dongs (US$ 1,615), whereas a pipe installed by the peasants cost only 7.5 million dongs (US$ 577). Graft and extortion have enabled "prominent rural officials to grow extraordinarily rich over the past five years. (...) these cadres live in big houses with all modern comforts, ride brand new motorcycles, their wives and children are ostentatiously dressed. (...) The peasants were so exasperated by this blatant corruption that their anger finally overflowed".

10. Initially, according to the report, peasants expressed their grievances peacefully, sending thousands of petitions to local and central authorities as early as 1986. But their complaints were either ignored or classed as "negativist attempts to abuse the democratization process" led by "extremists slandering the Party and State". Throughout 1996, "all kinds of legitimate

protests were organized, ranging from signature collections, petitions, village delegations to central Government, etc. ...". In June 1998, Thai Binh Communist Party Secretary Pham Van Tho said that "people from 251 out of 285 communes in the province have lodged complaints and denouncements" over the past 16 months "and the situation in 30 communes is still tense".

11. Peasants were joined in these protests by many women, children, war veterans, former Party members, retired officials, war invalids and revolutionary heroes, illustrating a wide popular consensus. "This is a broad-based social movement (...), observed the report, "it cannot be dismissed as an internal conflict, still less as an anti-government revolt". Moreover, the protests "were all conducted in a peaceful and orderly manner", even large-scale demonstrations such as the 2,000-strong sit-in in Quynh Phu district on 11 May 1997: "The people sat in straight rows on the pavement, never once damaging trees, scattering litter or causing disorder. They stoically endured tension and fatigue for two days and one night just to hand in a petition to the Provincial [Party] Chairman". Ensuing demonstrations only escalated into violence after these peaceful initiatives had been rebuffed.

12. The explosion of unrest in Thai Binh - traditionally considered as the cradle of Communism and a model of rural development - is not an isolated case. In the Mekong Delta in 1988, hundreds of peasants demonstrated non-stop for three months to denounce State land-abuse and "red feudal landlords". This widespread rural discontent highlights the failure of Viet Nam's urban-focused liberalization policies and the resulting growth in the poverty gap. Indeed, in the countryside today where 80 per cent of Viet Nam's 77 million people live, 57 per cent of the population fall below the poverty line.

13. Economic liberalization policies have also seriously restricted poor people's access to basic social services such as health and education in Viet Nam. According to a World Bank report in 1997: "A nationwide system of official tuition fees for public schools was introduced in September 1989. Parents are also expected to pay contributions to parent-teacher associations and to bear the cost of textbooks, clothing and food". As a result, "only 19 per cent of the poorest children are enrolled in lower secondary schools" and "no youths aged 18-24 in the poorest quintile are enrolled in any kind of post-secondary education". As for health, the introduction of "user fees" in 1989 has had "a far-reaching effect, transforming the provision of health care into a largely private market. (...) This means that the poor face lower quality and higher prices for basic health care".

14. The FIDH and the Vietnam Committee on Human Rights are deeply concerned by these grave violations of economic and social rights, especially in view of Viet Nam's non-compliance with ICESCR reporting mechanisms. Since Viet Nam acceded to the ICESCR 16 years ago, it has submitted only one periodic report (1993) and its second report has been overdue since June 1995. The organizations call on Viet Nam to respect its binding obligations as a State party to the ICESCR and take concrete steps to respect the universal human rights of the people of Viet Nam.